

**ZONING BOARD OF ADJUSTMENT
MINUTES**

OCTOBER 28, 2019

Meeting was advertised in accordance with the NJ Sunshine Law.

Roll call: attending: Mr. Gelley, Mr. Halvorsen, Mr. Lankry, Mr. Naftali, Mr. Ribiat,
Mr. Gonzalez, Mr. Halberstam
Absent: Mr. Ingber, Mr. Gross
Attorney: Jerry Dasti
Engineer: Terry Vogt
Secretary: Fran Siegel

Salute to the Flag.

Motion to approve minutes of September 18, 2019 – Mr. Halvorsen

Second – Mr. Gelley

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Lankry, Mr. Ribiat, Mr. Gonzalez,

Mr. Dasti read the letter from Miriam Weinstein, attorney for applicant - **Appeal # 4114 – 118 Ocean Avenue, LLC, Vine & Spruce Street**, requesting to withdraw the application.

Motion to accept withdrawal – Mr. Gelley

Second – Mr. Gonzalez

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Lankry, Mr. Naftali, Mr. Ribiat,
Mr. Gonzalez

Appeal # 4129 – Faige Pearlstein will not be heard tonight because the escrow account has not been replenished. Will have to renotice.

Motion – Mr. Lankry

Second – Mr. Gelley

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Lankry, Mr. Naftali, Mr. Ribiat,
Mr. Gonzalez, Mr. Halberstam

Appeal # 3787A – TILWY, LLC. Squankum Road, Block 172 Lot 9, B-4 zone. Amended site plan for the purpose of revising the architectural design to give it a more updated look.

Gerald Klein, attorney for applicant. The board expressed concerns about the design and the make-up of the bedrooms and this plan should work for everybody's concerns.

Brian Flannery, engineer/planner, sworn. Plan has been revised with 2 bedroom units. All bedrooms have egress windows.

A-1 proposed site plan

A-2 site plan map

A-3 approved site plan that can be built now

A-4

A-5 new site plan – they consolidated parking to allow for a designated school bus drop off.

A-6 copy of plan with floor plan

A-7 prior approval floor plan with 3 different unit types

A-8 copy that shows the layout where the designated bus stop

Mr. Flannery – Approved plan was 37 2 bedrooms at 1,736 square feet with full basement. They are proposing 21 2 bedrooms at 1,258 square feet. Proposing 19 3 bedrooms at 2,400 square feet. The 4 bedroom units are all on the third floor. The approved plan had 283 bedroom and the proposed plan now has 251 bedrooms. Added more recreation area. This plan is a benefit to everyone involved. They will be built on a slab or crawl space. There will be no basements. Keeping the same infrastructure. Agreeing to all conditions of the prior approval.

Mr. Flannery - The community center is 2 stories and 4,000 square feet. Tot lots were originally 4,800 square foot in accordance with the UDO. New tot lots will be 9,600 square feet. They are between buildings.

Chairman asked to see a plan with the playground equipment.

Mr. Naftali - This approval was 8 years ago. This is a little bit better but suggested doing it a lot better. This plan is very aggressive.

Chairman – why did you take out the basements? The basements work.

Mr. Flannery – this plan is far superior to the prior plan.

Mr. Lankry asked for a shelter by the bus drop off.
Applicant agreed.

Chairman asked to see plan with playground equipment.

Mr. Lankry asked for a canopy over the bus drop off.
Mr. Flannery agreed. There is walkways and sidewalks and painted crosswalks.

Open to Public. Closed to Public.

Mr. Naftali asked for the community center be made any bigger?

Mr. Flannery – will expand the community center as big as possible. They can provide playground equipment plan.

Motion to approve with canopy on bus stop and will provide playground plan prior to adoption of the resolution. – Mr. Lankry

Second – Mr. Gelley

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Lankry, Mr. Naftali, Mr. Ribiat,
Mr. Halberstam

Abstain: Mr. Gonzalez

Appeal # 3935B – Ketan Mehta, Route 70, Block 1160.01 Lot 256.02, B-5 zone. Preliminary and final major site plan for hotel.

Adam Pfeffer, attorney for applicant. There is a car wash on the site and use variance was granted. The subdivision was approved, Planning Board approved the site plan. There was an appeal taken during this process since the UDO only allowed for a motel not a hotel. The Township amended the ordinance to allow hotels in this zone. A shared driveway was granted approval.

Ian Borden, engineer, sworn.
Board accepted credentials.

A-1 aerial exhibit of site
A-2 site plan

Mr. Borden – asking for a sign variance. The property is set back far from Route 70. Proposing a sign inside the DOT right of way and require DOT approval. 120 sf permitted for the sign is permitted. Height permitted 22 feet and they have Conforms in area and height. Sign is violating the front yard setback. Setback is 39 feet from the edge of pavement which is DOT property.

Open to Public.

Moshe Zeines, 112 Elmhurst Blvd, affirmed. Asked for sidewalks along Route 70. The adjacent property has Planning Board approval and they will be installing sidewalks.

Mr. Borden - Will comply with all items on the Remington Vernick report.

Motion to approve with no sidewalks – Mr. Lankry

Second – Mr. Naftali

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Lankry, Mr. Naftali, Mr. Ribiat,
Mr. Gonzalez, Mr. Halberstam

Miriam Weinstein requested that **Appeal # 4139, Somerset NH, LLC** be carried to the next meeting on November 18th

Motion to carry – Mr. Lankry

Second – Mr. Naftali

All in favor.

No further notice and agreed to waive time.

Appeal 4139, Somerset NH, LLC – will carry to November 18

Motion - Mr. Lankry

Second – Mr. Naftali

All in favor

No further notice and Ms. Weinstein agreed to waive time.

Appeal # 4107 - High Point at Lakewood Condominium Assoc, R-12 zone. Block 423 Lot 156, Massachusetts Avenue & Prospect Street, Minor subdivision of the existing lot into 2 separate lots.

Scott Penipk, attorney for Association – In 2012 there was litigation against the township. There was 136 units approved but never built. In 1980 the township foreclosed on these phantom units. The township and the association reached a settlement agreement that the vacant parcel will be sold at public auction.

Brian Flannery – engineer/planner, sworn. This is a minor subdivision to subdivide the undeveloped portion of High Point.

A-1 existing building and 10 acre piece fronting on Massachusetts Avenue

A-2 copy of an aerial exhibit

Mr. Flannery - Township and the applicant have agreed to a public auction. Situated in a R-12 residential zone. Anybody who purchases this lot will have to go to a board for an approval. Will be vacating the approval for the 136 units that were not built. The units that were built, they are trying to separate.

Mr. Gonzalez - Existing High point units are in the RM zone.

Mr. Flannery – the property has access from Massachusetts Avenue. This is a minor subdivision with no variances.

Mr. Vogt - Reducing the size of the already developed lot.

Mr. Flannery – the density is not changing. Approved at the density that is there. They are just building less units. The buildings that were not built are 16 additional buildings.

Mr. Penipk - The township is the owner of the phantom units and they will have to remove it from the Master Deed.

Open to Public.

Jacob Neumann, 114 Summit Court, affirmed. Objected to the subdivision.

Mr. Dasti – if this subdivision is granted, the applicant testified that the approval goes away. Someone might buy that property and can come back in for new approvals.

Mr. Neumann – the quality of life is not great with undesirable conditions. They are parking all over the place.

Moshe Fishman, 220 Williams Street, affirmed. Looking to take away open space from the existing community. They park on that open space.

Mr. Penipk – he is authorized by the Board of Trustees, Homeowners Association to be here.

Mr. Fishman – think that this is a conflict of interest - Lakewood Township will gain 20% of the profit on the sale.

Mr. Penipk - It is common property and owned by the association.

Jacob Heinemann, 116 Summit Court, affirmed. Opposed to this subdivision. Concerned about their quality of life.

Mr. Lankry – High Point is a sore spot in Lakewood, there is parking issues, crime issues. There is no recreational space. This is an opportunity to get to improve this property.

Robert Cannata, Howell, NJ, sworn. Owns several units in High Point also a Board member. If this gets approved this works out better for everyone. It cleans out the area. Get rid of some riff raff – they hang out there. Clean up this space and make it safer. Right now it is a site for criminals and clear out the woods. It will get better by removing the dark areas where people can hide.

Chaim Abadi, 245 Miller Road, affirmed. Asked if the subdivision would create a density variance intensification of the existing High Point buildings.

Chairman - It was approved at 18 units per acre and it will still be 18 units per acre.

Closed to Public.

Mr. Lankry - Is there any way that we can make High Point safer.

Mr. Dasti – the Home Owners Association will get 80% of the net from the sale. Part of that can go to lighting, cameras, parking, recreation, etc. It could be a condition to clean it up.

Mr. Lankry – we want to see a safety plan.

Mr. Dasti – input from the chief, and the township engineer.

Motion to carry to the December 2nd zoning board meeting – Mr. Gelley

Second – Mr. Halvorsen

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Lankry, Mr. Naftali, Mr. Ribiat,
Mr. Gonzalez, Mr. Halberstam

No further notice. Agreed to waive time.

Recess.

Sean Gertner, attorney for applicant requested that **Appeal # 3980AA – Joseph Sebbag** be carried to the November 18th zoning board meeting.

Motion to carry to November 18th – Mr. Lankry

Second – Mr. Naftali
All in favor.
No further notice and agreed to waive time

Appeal # 4134 – Abraham Tikotsky
Motion to carry to November 18th – Mr. Gelley
Second – Mr. Ribiat
All in favor
No further notice – agreed to waive time.

Appeal # 4133 – Robert Kirschner
Motion to carry to December 2 – Mr. Halvorsen
Second – Mr. Lankry
All in favor
No further notice. Agreed to waive time.

Appeal # 4128 – 121 Somerset LLC, Cherry & North Oakland Street, Block 189 Lots 129, 130.01, 168.02, 172, 176, R-7.5 zone. To construct 4 duplexes (8 units)

Miriam Weinstein represented applicant. This is a minor subdivision and use variance for 8 units in 4 duplex buildings. Duplexes are permitted on 10,000 square foot lots. All the lots are over 10,000 square feet with the exception of one 9,805 square foot lot. Removing 2 undersized lots.

Brian Flannery, engineer/planner, sworn.

A-1 Minor subdivision map
A-2 tax map

Mr. Flannery – one lot is undersized at 9,800 sf. There will be 3 duplexes on Cherry Street and one on North Oakland. He reviewed Terry Vogt's report. Lot 168.07 and Lot 168.08 is the undersized lot at 9,805. Most of this area is duplexes. There will be a 32 foot cartway. Cherry Street will be widened.

Open to Public. Closed to Public.

Motion to approve – Mr. Lankry
Second – Mr. Halvorsen
Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Lankry, Mr. Naftali, Mr. Ribiat,
Mr. Gonzalez, Mr. Halberstam

Appeal # 4130 – Fairways at Lake Ridge, Block 524 Lots 2.03 & 77.02. Block 524.23 Lot 1, R-40 zone. Interpretation.

Mr. Gonzalez and Mr. Halvorsen recused and left the dais.
There will be 5 sitting members.

Michelle Donato, attorney for applicant. Here for an interpretation of the ordinance as to the meaning of a structure. And what structures are allowed in the perimeter 75 foot buffer and what is a structure.

Paul Snyder, objecting attorney.

Barbara Allen Woolley-Dillon, Tuckerton, NJ, professional planner
Board accepted credentials

Ms. Wooley-Dillon Looked at the plans General Development Plan approval in front of the Planning Board and other materials. Attended Public hearings at the Planning Board. Looked at

the annual reports from Zoning Board. Issues arose to whether these various items are structures or not.

A-1 definition of a structure in the UDO

A-2 Municipal land use law definition

A-3 reduced copy of the land use plan presented to the Planning Board

A-4 enlargement of the title block on the plan

A-5 legend from the A-3 plan

A-6 portion of A-3 blown up with the detention areas and parking areas in the 75 foot buffer

A-7 blown up portion of A-3

A-8 same

A-9 area of drainage infrastructures and structures right up against the property line

A-10 definition in the UDO for perimeter boundary setbacks 18-1001L

A-11 through A-28 annual zoning board reports.

Ms. Wooley-Dillon – described retaining wall along the perimeter of a retention basin. Also described each exhibit. There is also a parking lot in the buffer. The proposed community center is more than 75 feet. There are detention facilities also in the buffer. In her opinion parking facilities and detention basins are structures. Reviewed annual zoning board reports. Steps and side steps were structures and granted variances. A structure does not have a roof and building does have a roof. If it is not a building it is a structure.

Mr. Snyder cross examined Ms. Wooley-Dillon

Ms. Donato – will get the resolutions and come back with that information.

Chairman suggested that we carry to December 2nd zoning board meeting.
No further notice. Agreed to waive time

Motion to carry until December 2nd – Mr. Gelley

Second – Mr. Ribiat

All in favor.

Appeal # 4131 – 910 Park Lkwd LLC, Park Avenue, Block 232 Lots 2-5, B-4 zone.

Preliminary and final major subdivision approval for creating 18 duplex lots.

Carried until December 2nd.

All in favor

Resolutions

Appeal # 4124 – Bais Medrash of Pine Street, 307 Pine Street, Block 774.04 Lot 18, R-10 Zone. Resolution to deny the construction of a synagogue and a Rabbinical court.

All in favor.

Appeal # 4127 – Covington Village Condominium Assoc, Locust Street, Block 1082 Lot 9 Resolution to deny a subdivision of Covington Village 2 separate lots. Amend prior Site Plan approval, Conditional use variance relief.

All in favor.

Appeal # 4135 – 1434 Holdings, LLC, 1434 14th Street, Block 24.02 Lot 18, R-12 zone.

Resolution to approve a 7 foot rear yard setback for the construction of a deck.

All in favor.

Motion to pay bills.

All in favor.

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Motion to adjourn.
All in favor.
Meeting adjourned at 11:15 P.M.

Respectfully submitted,

Fran Siegel, Secretary

